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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

September 21, 2015

Kyle Edwards, Resident Agent  
BRC Wellington LLC  
1865 West Ridge Road  
Wellington, Utah 84542

Subject: Determination of Administrative Completeness, Bowie Waste Rock Site, BRC Wellington, LLC, C/015/0035, Task #4966

Dear Mr. Edwards:

The Division has completed a review of the information you submitted on August 11, 2015 for permitting the Deer Creek Waste Rock site. This application is considered to be administratively complete. A copy of our review worksheet is enclosed for your information and records.

A technical review of your plan has been initiated. Technical deficiencies will be forwarded to you as reviews are completed. The Division will also coordinate with other agencies and incorporate their comments into our review process. Issues raised will need to be resolved prior to permit issuance.

At this time you should publish a Notice of Complete Application for permitting the Deer Creek Waste Rock site as a separate mining operation as required by R645-300-121. A copy of the publication affidavit should be sent to the Division as soon as it is available. You should also insure that a copy of the application is on file at the appropriate County Courthouse. The Division will complete a technical analysis, which must find that your application is technically complete. We anticipate additional information may be necessary to make your application technically complete and look forward to working with you throughout the process.

Please call if you have any questions. Thank you for your help in the permitting process.

Sincerely,

Daron R. Haddock  
Coal Program Manager

DRH/vs  
Enclosure  
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**ADMINISTRATIVE COMPLETENESS REVIEW WORKSHEET  
(R645-100)**

**DATE:** September 21, 2015

**REVIEWER(S):** Suzanne Steab, Lisa Reinhart, Cheryl Parker, Daron Haddock, Priscilla Burton, Keenan Storrar

**APPLICANT:** BRC Wellington, LLC

**MINE NAME:** Bowie Waste Rock Site **FILE NO.:** Task ID #4966

**"Administratively Complete Application"** means an application for permit approval or approval for coal exploration, where required, which the Division determines to contain information addressing each application requirement of the State Program and to contain all information necessary to initiate processing and public review.

**Directions:** The categories listed below correspond to the minimum requirements for information necessary to initiate processing and public review. If a category is checked the Applicant has met the Completeness requirement for that category. If a category is not checked, the Completeness requirements have not been met. If a category is Not Applicable, enter NA in check box. The comments column will identify the deficiency and what is necessary to correct it.

**Comments**

301-112	Identification of Interests	<u>X</u>	
100	Applicant's Business Structure	<u>X</u>	
210	Applicant's Name/Address/Phone	<u>X</u>	
220	Resident Agent's Name/Address/Phone	<u>X</u>	
230	Name/Address/Phone of AML Fees Payer	<u>X</u>	
300	Corporate Structure & Ownership	<u>X</u>	
400	Identify Other Mining Operations in US	<u>X</u>	
500	Surface & Mineral Ownership	<u>X</u>	
600	Ownership Contiguous to Permit	<u>X</u>	
700	MSHA Numbers	<u>X</u>	
800	Interest in Contiguous Lands	<u>X</u>	

301-113	Violation Information	<u>X</u>	An AVS Report was generated on BRC Wellington, LLC on 9/2/15. No violations were listed in the AVS System. However, BRC Wellington, LLC does have an outstanding fine with the Division for NOV #13155 issued on 11/13/14 to C/007/0045 for \$506.
100	Suspension or Revocation Information	<u>X</u>	
300	List of Violations - <b>3 Previous Years</b>	<u>X</u>	

301-114	Right of Entry	<u>X</u>	
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301-115	Status of Unsuitability Claims	<u>X</u>	
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301-116	Permit Term	<u>X</u>	
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301-117	Insurance	<u>X</u>	<p>A Certificate of Liability Insurance Form is provided for the Insured Bowie Refined Coal, LLC but will need to be updated to reflect the Description of Operations as Bowie Waste Rock Site C/015/0035 and the Certificate Holder as the Division of Oil, Gas &amp; Mining.</p> <p>A proposed public notice has been included on page 1-7 of the application. An affidavit will be provided after publication.</p>
	Proof of Publication	<u>X</u>	
	Facilities and Structures Used in Common	<u>NA</u>	

301-118	Filing Fee	<u>NA</u>	
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301-123	Notarized Signature of Responsible Official	<u>X</u>	
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301-130	Information Collection: <b>Technical Data Accompanied by Names of Persons or Organizations that Collected and Analyzed the Data - Dates of Collections - and Analysis of the Data and Description of the Methodology Used to Collect and Analyze Data</b>	<u>X</u>	
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301-200	Soils	<u>X</u>	
211	Description of Pre-mining Soil Resources	<u>X</u>	
221	Prime Farmland Investigation	<u>X</u>	App 2-1
222	Soil Survey	<u>X</u>	App 2-2 and Fig 2-1
224	Substitute Topsoil Info (When Proposed)	<u>NA</u>	
230	Operation Plan <b>Topsoil Handling/Removal/Storage</b>	<u>X</u>	Plate 2-1, Section 2.3.1 through Section 2.3.2 and Sec 2.3.4
240	Reclamation Plan <b>Soil Redistribution/Stabilization</b>	<u>X</u>	Section 2.40 and App. 3-2

301-300	Biology	<u>X</u>	
320	Vegetation Information	<u>X</u>	Vegetation is discussed in Section 3.20 on page 3-2 Appendix 3-1 contains a vegetation survey of the permit area. This survey is from June 1987 and will need to be updated prior to approval. Appendix 3-2 contains a comparison of vegetation of the Deer Creek Waste Rock Access Road vs. Reference Area.
322	Fish and Wildlife Information	<u>X</u>	Fish and wildlife are discussed in Section 3.2.2 on page 3-4 through 3-8
323	Maps/Photos <b>Vegetation-Fish-Wildlife Areas</b>	<u>x</u>	Plate 3-1 is a vegetation map, plate 3-2 is a wildlife habitat map,
330	Operation Plan <b>Vegetation-Fish-Wildlife Protection</b>	<u>X</u>	The operation plan is described in section 3.3 on page 3-6.

341	Reclamation Plan for Revegetation	<u>X</u>	The reclamation plan is described in section 3.40 on page 3-6
342	Fish & Wildlife Plan for Reclamation Phase	<u>X</u>	Protection and enhancement measures are described in section 3.4.2 on page 3-8 and 3-9

301-400	Land Use and Air Quality	<u>x</u>	Land use is described in 4.10 on page 4-1. Air Quality is discussed in section 4.20 starting on page 4-5
411	Pre-Mining Land Use Information <b>(Includes Cultural Resources)</b>	<u>X</u>	Summary report of cultural resources antiquities permit 87-UT-54937 is located in Appendix 4-2. A map is provided on page 10-4 (184/435)
412	Post-Mining Land Use Information	<u>X</u>	Post Mining land use is described in 4.1.2.1 starting on page 4-3 through 4-4

301-500	Engineering	<u>X</u>	The Permit application appears to address the relevant engineering R645-301-500 rules, see discussion below
510 520	General Description of Operation Plan <b>(Maps, Locations, Cross-Sections, Narrative, Descriptions &amp; Calculations)</b>	<u>X</u>	The Permit contains the proposed coal mining and reclamation operations with attendant maps, plans, and cross section in Chapter 5, Appendices 5-1 through 5-3, and Plates 5-1 through 5-3. Section 5.1.2 details the various certification requirements that met R645-301-512 requirements. The Permit contains text detailing MSHA approvals for relevant impoundments and capping openings for R645-301-513. Text is present describing how inspection will be conducted as stated in R645-301-514 on the impoundments and waste rock pile. The Permit includes text detailing the reporting and emergency procedure for slides, impoundments, and temporary cessation for R645-301-515.210 requirements in Section 5.1.5. Section 5.20 details operations including plans with maps, cross sections, narratives, and calculations indication how the relevant requirements of R645-301-20 are applied.
522	Coal Recovery Description	<u>X</u>	The application includes text in section 5.2.2 that appears to address R645-301-522 coal recovery rules.
523	Mining Methods	<u>X</u>	The application includes text in Section 5.2.3 that appears to address R645-301-523 mining rules.
524	Blasting and Explosives Plan	<u>X</u>	The application includes text in Section 5.2.4 that appears to address R645-301-524 blasting regulations.

525	Subsidence Control Plan	<u>X</u>	The application includes text in Section 5.2.5 that appears to address R645-301-525 subsidence regulations.
526	Mine Facilities Description (Narrative, Plans, Maps) Including Existing Structures & Support Facilities	<u>X</u>	The application includes text in Section 5.2.6 that appears to address R645-301-526 describing mine facilities.
527	Transportation Facilities (Including Plans & Maps)	<u>X</u>	The application includes text in Section 5.2.7 that appears to address R645-301-527 transportation facilities regulations.
528	Coal Mine Waste Plans (Description & Designs)	<u>X</u>	The application includes text in Section 5.2.8 that appears to address R645-301-528 handling and disposal of coal and coal mine waste regulations.
529	Management of Mine Openings (Design)	<u>X</u>	The application includes text in Section 5.2.9 that appears to address the management of mine openings according to R645-301-529 regulations.
531	General Plans for Structures	<u>X</u>	The application includes section 5.30 and 5.31 detailing the general operational design criteria and plans of the Bowie waste rock site.
532	Sediment Control	<u>X</u>	The application includes Section 5.3.2 that appears to address R645-301-532 sediment controls.
533	Impoundments	<u>X</u>	The application includes section 5.3.3 that appears to address R645-301-533 impoundments.

301-534	Roads (Plans, Drawings, Designs, & Specifications)	<u>X</u>	The application includes Section 5.3.4 that appears to address R645-301-534 road operational design and controls.
535	Spoil	<u>X</u>	NA R645-301-535 does not apply due to no spoil generated in the permit area.
536	Coal Mine Waste	<u>X</u>	The application includes Section 5.3.6 detail information required in R645-301-536 coal mine waste.
537	Regraded Slopes	<u>X</u>	R645-301-537 NA
540 541-542	Reclamation Narrative, Maps and Plans	<u>X</u>	The application includes Section 5.4, 5.4.1 and 5.4.2 that detail the general reclamation plan for the Bowie Waste Rock Site with a narrative and relevant Plates 5-1 through 5-3.
551	Casing and Sealing Underground Openings	X	The application includes Section 5.5 that appears to address reclamation design criteria relevant to casing and sealing and permanent features as required in R645-301-550.

553	Backfilling and Grading Description	<u>X</u>	The application includes Section 5.5.3 that appears to address the backfilling and grading of the Bowie Waste Rock site as required by R645-301-553.
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301-600	Geology	<u>X</u>	
621	Description of Geology (Permit & Adjacent Area)	<u>X</u>	Section 6.2.4 contains the Geologic information for the permit and adjacent area. Information is limited because this is a waste rock site built primarily on Mancos shale and alluvium. No coal seam is located or planned for mining in this area.
622	Geologic Cross-Sections, Maps, and Plans	<u>X</u>	Figure 6-1 is an Area Geologic Map and stratigraphic section of the Waste Rock area.
630	Plans for Casing and Sealing Holes	<u>X</u>	No exploration holes are planned to be drilled in the permit area.

301-700	Hydrology	<u>X</u>	See hydrology Findings below.
721	Description of Hydrologic Resources (Permit and Adjacent Area)	<u>X</u>	The application provides a description of surface and groundwater resources in the permit area in section 7.2.2.1.
722	Cross-Sections and Maps Subsurface Water - Surface Water - Monitoring Stations - Wells	<u>X</u>	The application provides a generalized cross-section of the hydrologic resources and a plan view map.
723	Sampling and Analysis	<u>X</u>	The application provides a sampling schedule in section 7.2.3.
724	Baseline Information Ground Water - Surface Water - Geology - Climatological & Supplemental; If Needed	<u>X</u>	In section 7.2.4 the application provides an analysis of 25 years of baseline data from the monitoring well and a narrative of the surface and groundwater resources.
728	PHC Determination	<u>X</u>	The application provides a determination of the Probable Hydrologic Consequences in section 7.2.8.
730	General Operation Plan Minimize Disturbance to Hydrologic Balance & Compliance with Clean Water Act	<u>X</u>	Section 7.3.1 provides a commitment to protecting the hydrologic balance during active operations.
731	Ground and Surface Water Protection	<u>X</u>	Groundwater and surface water protection plans are outlined in section 7.3.1.1.
732	Sediment Control Measures	<u>X</u>	The Permittee will use diversions, siltation structures, and a sediment pond to control and contain sediment runoff in the permit area.

301-740	Plans and Designs <b>Operation and Reclamation Plan Sediment Control Measures</b>	<u>X</u>	The application provides a plan to retain sediment within the disturbed area.
	Siltation Structures	<u>X</u>	The application gives an outline of the siltation structures that will be used at the waste rock site.
	Sediment Ponds	<u>X</u>	The application provides a narrative and calculations for the pond design in section 7.4.2.2.
	Other Treatment Facilities	<u>X</u>	No other treatment facilities are planned for the site.
	Diversions	<u>X</u>	Section 7.4.2.3 in the application provides a detailed narrative of disturbed and undisturbed diversions that will be used at the site.
	Road Drainage	<u>X</u>	The application provides a plan for road drainage in section 7.4.2.4.
	Impoundments	<u>X</u>	Information regarding the sediment impoundment is found in Sections 7.3.2.2 and 7.4.2.2.
	Discharge Structures	<u>X</u>	A narrative is provided for the discharge structures in Section 7.4.4.
	Disposal of Excess Spoil	<u>X</u>	No excess spoil will be generated at the site.
	Coal Mine Waste	<u>X</u>	The application outlines the plan for dealing with waste rock in Section 7.4.6.1.
	Disposal of Non-Coal Mine Waste	<u>X</u>	Section 5.2.8.3 provides a discussion of non-coal mine waste.
	Casing and Sealing of Wells	<u>X</u>	The well will be reclaimed according to R645-301-765 as stated in Section 7.5.4.

301-800	Bonding and Insurance	<u>X</u>	The application appears to address the minimum requirements of R645-301-800
820	Applicant <b>Have Adequate Bond at Permit Issuance</b>	<u>X</u>	Bowie Resources currently maintains bonds for their other properties through Ironshore Indemnity Inc.
830	Bond Estimate and Calculations Provided	<u>X</u>	The application appears to address the R645-301-830 rules of providing a bond estimate
890	Certificate of Insurance Provided	<u>X</u>	Appendix 1-2 includes a certificate of Insurance applicable to the Deer Creek Site.

302-200	Special Categories of Mining	<u>NA</u>	
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210	Experimental Practices Mining	<u>NA</u>	
220	Mountaintop Removal Mining	<u>NA</u>	
230	Steep Slope Mining	<u>NA</u>	
240	Auger Mining	<u>NA</u>	
250	In Situ Processing Activities	<u>NA</u>	

302-260	Coal Processing Plants ( <b>Not Located Within Permit Area of Mine</b> )	<u>X</u>	The coal materials mined from the refuse pile will be taken to the Bowie Dry Coal Cleaning facility which is a SMCRA permitted site.
270	Variances From Approximate Original Contour Restoration Requirements	<u>X</u>	Appendix 5-2 presents the variance request.
280	Variances for Delay in Contemporaneous Reclamation Requirement in Combined Surface and Underground Coal Mining Activities	<u>NA</u>	
290	Small Operator Assistance Program ( <b>SOAP</b> )	<u>NA</u>	

302-300	Special Areas of Mining	<u>NA</u>	
301	Prime Farmland	<u>NA</u>	
302	Alluvial Valley Floors	<u>NA</u>	

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